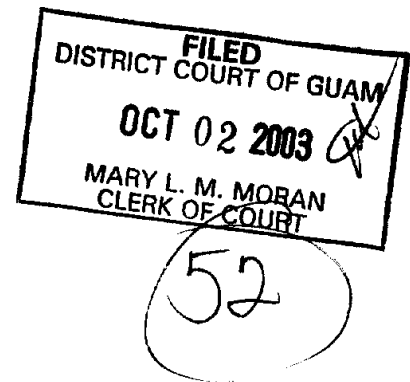


ORIGINAL

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Attorneys for Defendant  
Continental Micronesia, Inc.  
dba Continental Micronesia and  
Continental Airlines, Inc.



IN THE DISTRICT COURT OF GUAM

TONY H. ASHTIANI,

Plaintiff,

vs.

CONTINENTAL MICRONESIA, INC.  
dba CONTINENTAL MICRONESIA  
and CONTINENTAL AIRLINES, INC.,

Defendant.

CIVIL CASE NO. CV02-00032

**MOTION TO SHORTEN TIME TO  
HEAR MOTION FOR PROTECTIVE  
ORDER; REQUEST TO APPEAR  
TELEPHONICALLY**

Defendant respectfully moves to shorten time to hear Plaintiff's Motion for Protective Order. This Motion is based on the fact that the dates of the depositions are imminently next Wednesday and Thursday, October 8 and 9, 2003, and Defense counsel will be traveling from Hawaii to Guam on Saturday, October 4, 2003, to conduct the deposition. See Ex. A (Declaration of Elyze McDonald).

Defendant respectfully requests that the Motion be heard on Friday, October 3, 2003, because, should the Motion be granted, it would be unnecessary for Defense counsel and


her client, based in Houston, Texas, to travel the great distance and waste time and money traveling. However, if the Court cannot accommodate such request, Defendant requests that the Motion be heard as soon as possible thereafter.

If the Court permits the hearing on October 3, 2003, as defense counsel currently lives off-island, Defendant also requests that defense counsel appear telephonically, and is available at all times to appear before the Court.

Lastly, the Court should be aware that although Plaintiff filed his Motion on September 30, 2003, he did not serve it on Defendant until October 1, 2003, at 11:35 a.m. See Ex. B. On such an imminent discovery schedule, and knowing defense counsel's travel plans, Plaintiff has forced Defendant to seek a shortened hearing time.

Respectfully submitted this 2nd day of October, 2003.

CARLSMITH BALL LLP

  
ELYZE McDONALD  
Attorneys for Defendants  
Continental Micronesia, Inc.  
dba Continental Micronesia  
and Continental Airlines, Inc.

**DECLARATION OF ELYZE MCDONALD**

I, Elyze McDonald, declare:

1. I am an attorney at law licensed to practice before the District Court of Guam. I am an attorney with the law firm of Carlsmith Ball LLP, attorneys of record for Defendant Continental Micronesia, Inc.

2. If called as a witness, I would and could competently testify thereto to all facts within my personal knowledge except where stated upon information and belief.

3. I currently reside in Honolulu, Hawaii.

4. I will be deposing Plaintiff on October 8 and 9, 2003, and have prearranged travel plans to leave Hawaii on October 4, 2003, and arrive on Guam on October 5, 2003.

5. Defendant's in-house Senior Legal Counsel Louis Obdyke, based in Houston, Texas, will also be traveling to Guam to attend the deposition.

6. I am available to appear telephonically before the Court at all times on October 3, 2003, should the Court be available to hear this Motion on that day. I am also available in person on October 6, 2003.

7. Attached hereto as Exhibit B is a true and correct copy of the first page of Plaintiff's Motion for Protective Order, filed on September 30, 2003, and served on Defendant on October 1, 2003, at 11:35 a.m.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed this <sup>1st</sup> ~~2nd~~ day of October, 2003, at Honolulu, Hawaii.

  
ELYZE MCDONALD

**FILED**  
DISTRICT COURT OF GUAM  
SEP 30 2003  
MARY L. M. MORAN  
CLERK OF COURT

## TERRITORY OF GUAM

Rule 30 (c), (d).

# EXHIBIT B

Date: